

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Jacam Chemical Company 2013, LLC,
Plaintiff,
v.
Arthur H. Shepard, Jr., and Geo Chemicals, LLC,
Defendants.

ORDER OF CLARIFICATION

Case No. 1:19-cv-93

On June 12, 2020, the Court entered an Order containing rulings on the two discovery disputes discussed at the status conference the previous day. (Doc. No. 114).

The first dispute centered on Plaintiff's objections to Requests for Production 11-12, 13, 20-21, 33, 34, and 36. After discussion, the Court directed Plaintiff to produce these documents.

The second dispute concerned Defendant Shepard’s objection to the “compilation” format of Plaintiff’s production. Shepard described the format as overly burdensome, while Plaintiff defended it as the method of production used in related litigation. After hearing from both sides, the Court approved Plaintiff’s use of the compilation format. In its subsequent Order, after stating “Plaintiff’s current production format is acceptable,” the Court concluded, “Plaintiff is encouraged, however, to tailor their responses as much as possible...” This sentence merely reflects the Court’s wish that Plaintiff make a good-faith effort to avoid unnecessary burdens on Defendant, whatever the format used. Put another way, the Court sought to reinforce its wish, expressed repeatedly at the conference, that the parties collaborate to complete discovery in an efficient manner. But since the sentence appears to have introduced ambiguity into the Court’s directive, it is hereby **STRICKEN** in its entirety.

As clarified, the Court's rulings are:

1. Plaintiff is ordered to produce the documents requested in the six disputed categories (Requests for Production 11-12, 13, 20-21, 33, 34, and 36).
2. Plaintiff's current production format is acceptable.

IT IS SO ORDERED.

Dated this 1st day of July, 2020.

/s/ Clare R. Hochhalter
Clare R. Hochhalter
United States Magistrate Judge